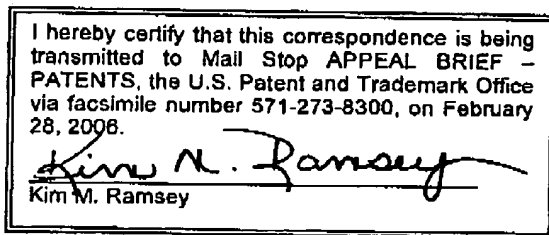


FEB 28 2006

PATENT APPLICATION  
Docket No. 3301-011

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wallace, et al.

Confirmation No. 3557

Serial No.: 10/066,144

Examiner: Namitha Pillai

Filed: January 31, 2002

Group Art Unit: 2173

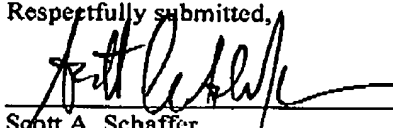
For: ANIMATED SCREEN OBJECT FOR ANNOTATION AND  
SELECTION OF VIDEO SEQUENCESMail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEF

Enclosed for filing in the above-referenced application are the following:

- ☒ Appellant's Brief Under 37 C.F.R. § 41.37
- ☒ Appendix - Claims On Appeal
- ☒ Appeal Brief Filing Fee of \$250.00 (*Small Entity Status*)
- ☒ PTO Form 2038 authorizing credit card payment in the amount of \$250.00 for the above-listed fee
- ☒ Appellant believes that no extension of time is required, as the period to file an Appeal Brief was reset to one month from the mailing date of the Notice of Panel Decision From Pre-Appeal Review. However, this conditional petition is being made to provide for the possibility that Appellant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Any deficiency or overpayment should be charged or credited to Deposit Account No. 13-1703.

Customer No. 20575

Respectfully submitted,

  
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SELECTION OF VIDEO SEQUENCES

Mail Stop Appeal Brief -- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANT'S BRIEF  
UNDER 37 CFR §41.37

Appeal is taken from the Examiner's Office Action mailed May 20, 2005, finally rejecting claims 1-23 in the instant application.

This Appeal Brief is in furtherance of the Notice of Appeal and a Pre-Appeal Brief Request For Review, mailed in this case on August 22, 2005.

A Notice of Panel Decision From Pre-Appeal Brief Review was issued on January 31, 2006, whereby, the panel has maintained the application remains under appeal.

The fees required under §41.37(a)(2) and any required petition for extension of time for filing this Brief and fees therefor are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This Brief contains these items under the following headings, and in the order set forth below.

I hereby certify that this correspondence is being transmitted to Mail Stop APPEAL BRIEF - PATENTS, the U.S. Patent and Trademark Office via facsimile number 571-273-8300, on February 28, 2006.

*Kim M. Ramsey*  
Kim M. Ramsey

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**TABLE OF CONTENTS**

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF CLAIMED SUBJECT MATTER
- VI. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL
- VII. ARGUMENT
- VIII. CLAIMS APPENDIX
- IX. EVIDENCE APPENDIX
- X. RELATED PROCEEDINGS APPENDIX

**I. REAL PARTY IN INTEREST  
37 CFR §41.37(c)(1)(i)**

The real party in interest in this appeal is Ensequence, Inc., the assignee of the above-referenced patent application.

**II. RELATED APPEALS AND INTERFERENCES  
37 CFR §41.37(c)(1)(ii)**

There are no other appeals or interferences known to Appellant, the Appellant's representative, or assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

**III. STATUS OF CLAIMS  
37 CFR §41.37(c)(1)(iii)**

- 1. Claims presented: 1-23
- 2. Claims rejected: 1-23
- 3. Claims allowed or confirmed: NONE
- 4. Claims withdrawn: NONE
- 5. Claims objected to: NONE
- 6. Claims cancelled: NONE

All the rejected claims, Claims 1-23, are being appealed. The appealed claims are eligible for appeal, having been finally rejected.

#### IV. STATUS OF AMENDMENTS

##### 37 CFR §41.37(c)(1)(iv)

Subsequent to the last Office Action mailed on May 20, 2005, which contained a Final rejection of the appealed claims, an Amendment After Final Rejection Under 37 CFR §1.116 was filed on July 20, 2005. An Advisory Action, dated August 10, 2005, was issued stating the Appellant's arguments were considered but did not place the application in condition for allowance.

#### V. SUMMARY OF THE CLAIMED SUBJECT MATTER

##### 37 CFR §41.37(c)(1)(v)

There are three independent claims – 1, 10 and 19 – involved in this appeal.

The present invention is directed to a novel method for illustrating flow of video segments within a graphical browsing interface. A critical thrust of the invention is using the concept of a "focus position" to illustrate past, present, and future segments to be played. The focus position 32 is described as a particular spatial position on the display screen 24, more specifically a fixed position centrally located below the video frame 26. The following is taken from the application at page 7, lines 22-30 referring to FIGs. 4/5.

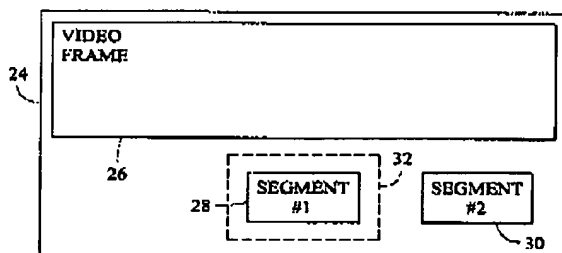


FIG. 4

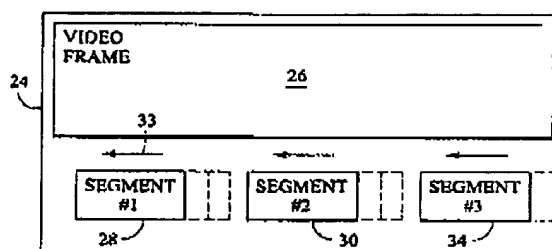


FIG. 5

"[Referring to FIG. 5] The *focus position* 32 is interposed between the now-moved first control button 28 and the third control button 34. Once video segment 2 has completed play, the following sequence of events occur: associated control object 30 is moved to the left out of the focus position 32, leftmost first object 28 is moved off the display screen 24, third control object 34 moves into the focus position, and a fourth object (not shown in FIG. 5) is simultaneously moved into the position previously vacated by the third control object 24. The object movement occurs in substantial synchronicity with the start of the next video segment 3 and the end object position results in the focus position being interposed between the control object 30 and the fourth (not shown) control object." (emphasis added)

The independent claims are of various scope and claim overlapping features.

- Claim 1, for instance, claims a method for operation of a video display system incorporating the movement of control objects into and out of a focus position depending upon which video, corresponding to the control object, is currently being displayed on the video screen.
- Claim 10 claims a system implementing the display of moving control objects as above.
- Claim 19 claims computer readable instructions for carrying out the method of moving control objects as above.

Each independent claim is directed to different aspects of the invention and each stand and fall, independently, with their associate dependent claims.

A Independent Claim 1

Claim Language	Support in Specification/Figures
<i>In connection with a video display system capable of displaying a sequence of video segments, a method for displaying a plurality of control objects associated with said video segments on a display screen comprising the steps of:</i>	FIGs. 4&5 <ul style="list-style-type: none"> <li>• Control objects (28, 30, 34)</li> <li>• Display screen (24)</li> <li>• Video segments (numbered boxes from 1 to 11c in FIG. 2)</li> </ul>
<i>displaying a first control object, associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;</i>	FIGs. 4&5 <ul style="list-style-type: none"> <li>• 1<sup>st</sup> control object (28)</li> <li>• 1<sup>st</sup> video segment (box 1 in FIG. 2)</li> <li>• focus position (32)</li> <li>• video frame (26)</li> </ul>
<i>displaying a second control object, associated with a second video segment, adjacent to the focus position; and</i>	<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> control object (30)</li> <li>• 2<sup>nd</sup> video segment (box 2 in FIG. 2)</li> <li>• adjacent to focus position (see, e.g., position of object 30 relative to object 28 in FIG. 4)</li> </ul>
<i>moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.</i>	<ul style="list-style-type: none"> <li>• Moving second control object to focus position (see, e.g., FIG. 5)</li> <li>• Moving first control object out of focus position (see, e.g., FIG. 5)</li> </ul>

**B. Independent Claim 10**

Claim Language	Support in Specification/Figures
<i>A system, in connection with a video display system, for displaying a plurality of control objects simultaneous with associated video segments on a display screen, comprising:</i>	Specification, page 3, line 25 to page 4, line 4
<i>a first control object displayed in a focus position on said display screen simultaneous with an associated first video segment;</i>	FIGs. 4&5 <ul style="list-style-type: none"> <li>• 1<sup>st</sup> control object (28)</li> <li>• 1<sup>st</sup> video segment (box 1 in FIG. 2)</li> <li>• focus position (32)</li> <li>• video frame (26)</li> </ul>
<i>a second control object, associated with a second video segment, displayed adjacent to said focus position on said display screen,</i>	<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> control object (30)</li> <li>• 2<sup>nd</sup> video segment (box 2 in FIG. 2)</li> <li>• adjacent to focus position (see, e.g., position of object 30 relative to object 28 in FIG. 4)</li> </ul>
<i>wherein the second control object is moveable into the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.</i>	<ul style="list-style-type: none"> <li>• Second control object moveable to focus position (see, e.g., FIG. 5)</li> <li>• First control object moveable out of focus position (see, e.g., FIG. 5)</li> </ul>

**C. Independent Claim 19**

Claim Language	Support in Specification/Figures
<i>A computer-readable medium on which is stored a program for displaying a plurality of control objects on a display screen in connection with a video display system, the program comprising instructions which, when executed by the computer, perform the steps of:</i>	Specification, page 3, line 25 to page 4, line 4.
<i>displaying a first control object, associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;</i>	FIGs. 4&5 <ul style="list-style-type: none"> <li>• 1<sup>st</sup> control object (28)</li> <li>• 1<sup>st</sup> video segment (box 1 in FIG. 2)</li> <li>• focus position (32)</li> <li>• video frame (26)</li> </ul>

C. Independent Claim 19 (cont.)

Claim Language	Support in Specification/Figures
<i>displaying a second control object, associated with a second video segment, adjacent to the focus position; and</i>	<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> control object (30)</li> <li>• 2<sup>nd</sup> video segment (box 2 in FIG. 2)</li> <li>• adjacent to focus position (see, e.g., position of object 30 relative to object 28 in FIG. 4)</li> </ul>
<i>moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.</i>	<ul style="list-style-type: none"> <li>• Moving second control object to focus position (see, e.g., FIG. 5)</li> <li>• Moving first control object out of focus position (see, e.g., FIG. 5)</li> </ul>

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**  
**37 CFR §41.37(c)(1)(vi)**

Claims 1-23 stand rejected under 35 U.S.C. §102(a) as being anticipated by only a single reference – the paper published in CHI, April 2000, entitled "Browsing Digital Video" by Li, et al. (referred to herein as the "Li" reference).

**VII. ARGUMENT**  
**37 CFR §41.37(c)(1)(vii)**

The general issue is whether prior art reference Li, et al. includes each and every element included within the claims. Applicants assert that Li does not teach all elements of the claims. Briefly, the elements missing from the teaching of the Li reference are as follows:

1. Li does not disclose or suggest a "Focus Position" for control objects and thus cannot anticipate the claims under 35 U.S.C. § 102(a); and
2. Li does not teach the step of moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first and second video segments.

Failure of Li to teach any of the two above items would result in traverse of the §102(a) rejection.

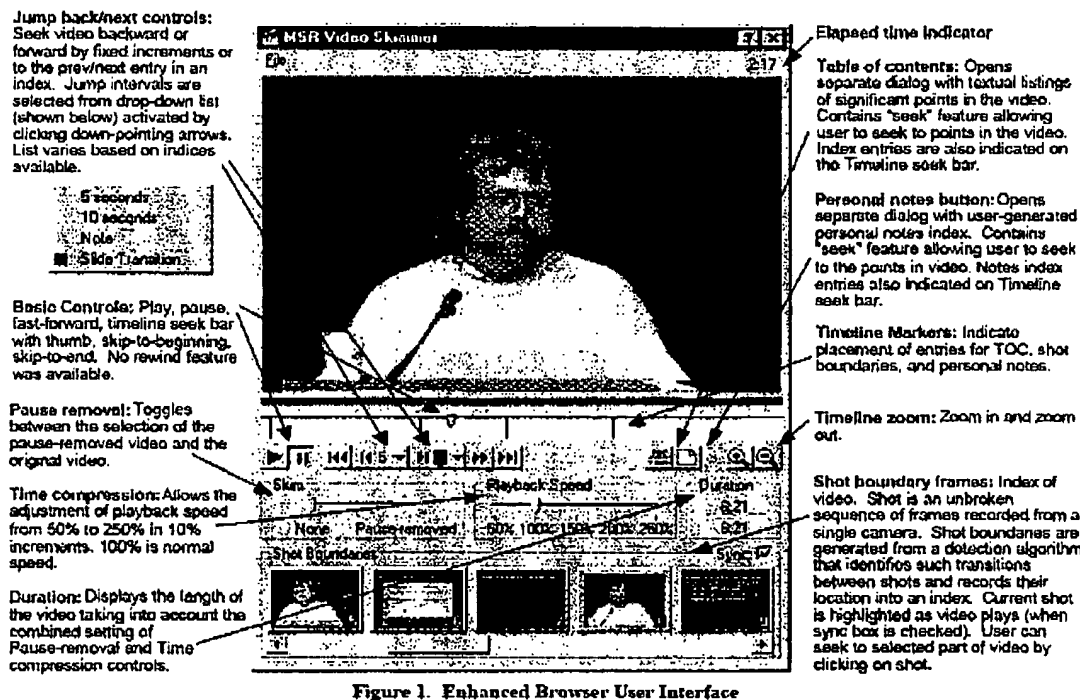


Figure 1. Enhanced Browser User Interface

The pertinent section (Figure 1) of the Li reference is reproduced above. The bottom portion of the figure is the important section. Such a section shows "shot boundary frames" arranged horizontally within a browsable pictorial menu. By operation, a user clicks on one of the shot boundary frames to play the video sequence associated with the selected frame. The current shot being played is highlighted as shown with Frame 8. As the browser bar is moved from left to right, the highlighted frame moves from right to left. So long as the user does not click another shot boundary frame, the highlighted frame can be moved without altering the video being played. For this reason, Applicants assert that there is no concept within Li of a focus position or, if there is, that such position has no bearing on which video is being played within the video display window.

If a video segment ends in Li, the highlighting moves from the current frame to an adjacent frame without a corresponding move of the next frame into the original frame's position. Again, frame position in Li has nothing to do with which frame is currently being played. Accordingly, it is Applicants view that Li moves the *focus* to a different



position. Li does not, as in claim 1 of the present application, move the next frame to the first frame's (focus) position as the second video starts to be played. Accordingly, Applicants believe the §102(a) rejection to be a clear error in need of correction or further clarification.

The difference in operation between that disclosed in the Li reference, and that described and claimed in the present invention, is best understood by reviewing the following aphorism:

*If the mountain will not come to Muhammad, then  
Muhammad will go to the mountain.*

The above proverb essentially means that we can find a way to make a difficult situation (e.g., moving the mountain) easier if we simply think about the problem in different terms (e.g., Mohammad is more mobile than the mountain and should be the one to move).

In the Li reference, the shot boundary frame is highlighted by a user finding the frame and clicking on the frame (e.g., moving the mountain). If the particular frame is not in view, the user may move the horizontal browser bar left or right until the frame is shown. The user then clicks on the frame to start the video associated with the frame.

The present invention, in contrast, moves the frame to the center position in the screen – also called the focus position – which indicates the video currently being played (e.g., moving Mohammad). The present method therefore timely presents the screen object representing the current video being played into a position of interest/focus to the viewer.

***A. Li Does Not Disclose or Suggest a Focus Position for Control Objects and Thus Cannot Anticipate the Claims Under 35 U.S.C. § 102(a)***

Claims 1-23 are rejected under 35 U.S.C. § 102(a) as being clearly anticipated by "Browsing Digital Video" (Li et al.), a paper published in CHI in April 2000.

The Examiner makes the following statement in rejecting claims 1 and 19:

Li discloses displaying a first control object, associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen (Figure 1). Li discloses displaying a second control object, associated with a second video segment, adjacent to the focus position and moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen (page 3, Figure 1 and column 1, lines 1-10). [Nov. 12, 2004 OA Paragraph 1 (emphasis added)]

Applicants can find no reference to focus position, no functional equivalent to a focus position, and no step is disclosed in Li of “moving the second control object to the focus position, and the first control object out of the focus position” as asserted in the Examiner’s statement above. Instead, Li discloses in Figure 1 a user interface for quickly jumping to certain portions of a video by providing, using a detection algorithm, a plurality of shot boundary frames along a bottom of a browser window. The shot boundary frames are arranged horizontally in a scrolling list of such frames. Li Figure 1 states that a “user can seek a selected part of video by [scrolling to and then] clicking on [the] shot.” The current shot, when clicked is highlighted and the video segment associated with that shot is played in the video display window. By scrolling the frames ahead, the participants could preview and seek to successive plays. (Li page 174, Col. 1)

It is clear from the disclosure in Li, therefore, that there is no focus frame since the video play has no association with the location within the user interface window of the shot boundary associated with it. For Li to teach the limitations found in claims 1 and 19 (and 10), the shot boundary frame associated with a currently playing video would have to be positioned within a certain location within the scrolling list and, as the video segment plays out and the next video segment plays, the shot boundary frame would scroll out of the focus frame (e.g., a fixed position on the browser window within the scrolling list) and the next shot boundary frame move into the focus frame. Li clearly does not show this, however, and thus does not anticipate or suggest limitations set forth within the pending claims. Such functionality would be contrary to the teachings of Li, in fact, since the object of Li is to provide a browsable visual list of shot boundaries. To include a focus frame would not allow the user of the Li user interface to view images beyond the five shown in Figure 1 while playing an earlier occurring video segment. This is clearly not the goal of Li which instead intends to allow a user to browse to images well beyond the current video segment play to anticipate a resolution of such video. “Features that support skimming visually, such as shot boundaries, were more useful here than in previous

scenarios.” (Li page 174, Col. 1)

As all independent claims of the present application teach the concept of focus frames and objects moving to and from said focus positions in synchronicity with a transition of videos, and Li fails to disclose such a feature, all claims should be allowable over Li.

An important alternate aspect of the invention concerns the idea of “subobjects” corresponding to selectable branching pathways from a first control object. This aspect appears in claims 8-9, 16-17, and 22-23. The operation of the sub-objects in conjunction with the “focus position” discussed above is shown below with reference to FIGs. 3 and 6.

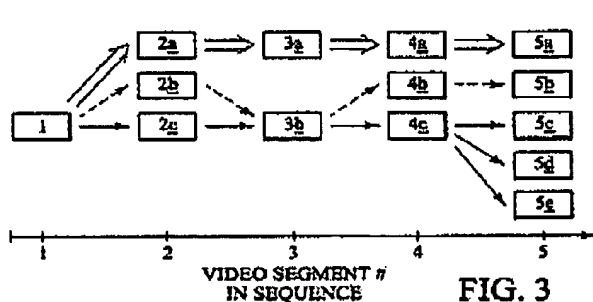


FIG. 3

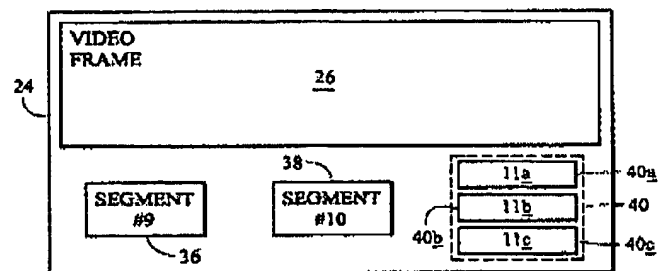


FIG. 6

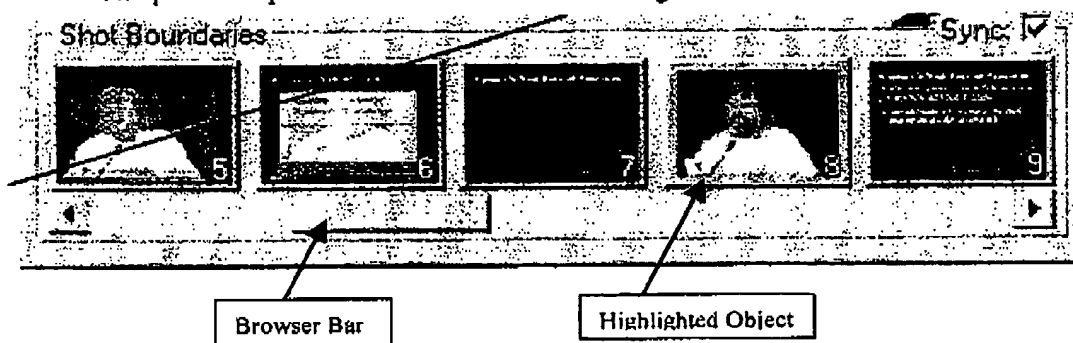
The Li reference does not disclose such sub-objects (as the Li video frames appear to be a linear progression) nor how such sub-objects would be displayed for user selection.

***B. Li Does Not Disclose, Suggest, and Cannot Be Operated to Move Control Objects Into and Out of the Focus Position in Substantial Synchronicity with a Transition In Display between Video Segments***

To support a rejection under §102(a), each and every limitation must be shown within the Li reference. Section A above addresses the missing concept of the focus position within Li. This section addresses how such missing element prevents the teachings of the Li reference from enabling an operation critical to the claims.

FIG. 5, shown in the pages above illustrates how such an operation (existing within all claims) is achieved to visually represent the flow of video content between past, present, and future segments. Briefly, during a video transition, a centrally located control object is moved to the left out of the focus position, and a control object located to the right of center is moved into the focus position previously vacated by the first control object.

The pertinent portion of the Li interface is magnified below:



The graphic user interface used by Li allows a user to recognize portions of a video presentation by showing pictures from the video taken along a linear timeline. Picture '8' in the illustration above is shown highlighted (with a colored box around it) to indicate that its corresponding video (e.g., Video segment '8') is currently being played on the display screen. It is obvious from the illustration above that pictures (and thus corresponding video segments) 1 through 4 are missing from those displayed to the user, and that later occurring segments 10 through xx are also not displayed. A browser bar enables a user to move the pictures into view, however, and select the corresponding video.

Under operation of Li, a user could potentially move the browser bar until the highlighted frame is centered within the "Shot Boundaries" box (e.g., where Picture '7' is currently located). In a natural transition between a video segment relating to Picture 8, and that relating to Picture 9, the highlighting would move to the right within the Shot Boundary window. Presumably, such highlighting could potentially move to successive frames until the highlighted frame is no longer shown within the Shot Boundary display.

Assuming that the focus position is equivalent to the highlighting, it is therefore the focus position that moves and not the frames. And although it may be possible to manually move the browser bar at the exact instant of the change in video segments, the Li reference is not intended for such use, and *most importantly* such manual manipulation would clearly not satisfy claim 18 requiring program instructions that move the control objects thusly in substantial synchronicity with the transition in video segments. Furthermore, the Li reference appears to disassociate the highlighting occurring around a frame with the position at which the frame appears within the Shot Boundary window.

Accordingly, Li cannot be interpreted to teach the final limitation within each of the independent claims of the present invention.

**VIII. CLAIMS APPENDIX**  
**37 CFR §41.37(c)(1)(viii)**

A copy of the claims involved in the appeal, Claims 1-23, are attached hereto as an appendix, entitled Claims Appendix.

**IX. EVIDENCE APPENDIX**  
**37 CFR §41.37(c)(1)(ix)**

No evidence was submitted pursuant to 37 CFR §§ 1.130, 1.131 or 1.132 of this title, nor was any other evidence entered by the Examiner and relied upon by the Appellant in the appeal.

**X. RELATED PROCEEDINGS APPENDIX**  
**37 CFR §41.37(c)(1)(x)**

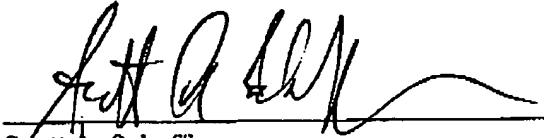
No related proceeding was identified pursuant to 37 CFR § 41.37(c)(1)(ii) of this section.

**CONCLUSION**

The Appellant requests favorable consideration by the Board. If any questions remain, please call the undersigned.

Respectfully submitted,

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\_\_\_\_\_  
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**VIII. CLAIMS APPENDIX**  
**37 CFR § 41.37(c)(1)(viii)**

The text of the claims on appeal, 1-23, are as follows:

1. In connection with a video display system capable of displaying a sequence of video segments, a method for displaying a plurality of control objects associated with said video segments on a display screen comprising the steps of:

displaying a first control object, associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;

displaying a second control object, associated with a second video segment, adjacent to the focus position; and

moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.

2. The method of claim 1, further comprising the step of displaying a third control object adjacent to the focus position, whereby the focus position is interposed between the second control object and the third control object.

3. The method of claim 1, further comprising the steps of:

scrolling among the plurality of control objects based on input from a user of the video display system;

accepting the selection of one of the plurality of control objects based on input from a user of the video display system; and

displaying a video segment associated with the selected control object.

4. The method of claim 1, further comprising displaying a focus frame within said focus position, said focus frame operative to supply a visual indication of user control of the first control object and moving said focus frame under user control to the second control object.

5. The method of claim 1, said first and second control objects including displayed therein visual annotation corresponding to the content of the video segments associated with said control objects.

6. The method of claim 2 wherein the first, second, and third objects correspond to current, future, and past segments respectively within a default video sequence.

7. The method of claim 6, further comprising the step of simultaneously moving the third object off of the display screen, and a fourth object onto the display screen simultaneous with the movement of the first object out of the focus position and the second object into the focus position so that the end position results in the focus position being interposed between the first control object and the fourth control object.

8. The method of claim 1, further comprising the step of displaying at the second control object a plurality of subobjects, each corresponding to a respective video segment, to provide a selectable branching pathway from the video segment associated with the first control object.

9. The method of claim 8, further comprising the step of, in the absence of input from a user of the video display system, moving the preselected one of the second control subobjects to the focus position, and the first control object out of the focus position, at the end of the display of the first video segment.

10. A system, in connection with a video display system, for displaying a plurality of control objects simultaneous with associated video segments on a display screen, comprising:

a first control object displayed in a focus position on said display screen simultaneous with an associated first video segment;

a second control object, associated with a second video segment, displayed adjacent to said focus position on said display screen,

wherein the second control object is moveable into the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.

11. The system of claim 10, further comprising a third control object, associated with a third video segment, displayed adjacent to said focus position on said display screen, whereby the focus position is interposed between the second control object and the third control object.

12. The system of claim 11, wherein the plurality of control objects can be scrolled based on input from a user of the video display system and wherein one of the plurality of objects can be selected based on input from a user of the video control system to thereby cause the selected object to move to the focus position on the display screen in substantial synchronicity with a start of the display of the video segment associated with the selected object.

13. The system of claim 12, further comprising a focus frame moveable between the plurality of objects based on input from the user of the video display system.

14. The system of claim 10, said first and second control objects including displayed therein visual annotation corresponding to the content of the video segments associated with said control objects.

15. The system of claim 12 wherein the first, second, and third objects correspond to current, future, and past segments respectively within the video sequence.

16. The system of claim 10, further comprising a plurality of subobjects located in place of the second object, each corresponding to a respective video segment, to provide a selectable branching pathway from the video segment associated with the first control object.



17. The system of claim 16, wherein in the absence of input from a user of the video display system, moving the preselected one of the second control subobjects to the focus position, and the first control object out of the focus position, at the end of the display of the first video segment.

18. The system of claim 10, further comprising a video frame in which the video segments are displayed where said video frame is spaced from said focus position.

19. A computer-readable medium on which is stored a program for displaying a plurality of control objects on a display screen in connection with a video display system, the program comprising instructions which, when executed by the computer, perform the steps of:

displaying a first control object, associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;

displaying a second control object, associated with a second video segment, adjacent to the focus position; and

moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.

20. The medium of claim 19, further comprising:

displaying a third control object, associated with a third video segment, adjacent to the focus position so that the focus position is interposed between the second and third control objects; and

moving the third object off of the display screen, and a fourth object onto the display screen simultaneous with the movement of the first object out of the focus position and the second object into the focus position so that the end position results in the focus position being interposed between the first control object and the fourth control object.

21. The medium of claim 20, further comprising displaying a video segment associated with the control object located in the focus position within a video frame on the display screen, wherein the video frame is non-overlapped with the focus position.

22. The medium of claim 20, further comprising displaying at the second control object a plurality of subobjects, each corresponding to a respective video segment, to provide a selectable branching pathway from the video segment associated with the first control object.

23. The medium of claim 22, further comprising the step of, in the absence of input from a user of the video display system, moving the preselected one of the second control subobjects to the focus position, and the first control object out of the focus position, at the end of the display of the first video segment.

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